

**PROPOSED FINAL ORDER OF THE
JUNCTION CITY PLANNING COMMISSION
MINOR PARTITION (MP-13-03), MOODY**

A. The Junction City Planning Commission finds the following:

- a. The applicant has submitted the application and preliminary plan as required by 16.05.030 (A) and (B) of the Junction City Municipal Code.
- b. The Junction City Planning Commission has reviewed all material relevant to the minor partition that has been submitted or presented by the applicant, staff, other agencies, and the general public regarding this matter.
- c. The Junction City Planning Commission followed the required procedure and standards of approving partitions as required by 16.05.030(D)(2) the Junction City Municipal Code.

B. Conditions of Approval:

1. As a condition, prior to final plat the applicant shall provide a signed performance agreement to reimburse Public Works for the cost of paving the alley, from West 13th Avenue to the southern boundary of the partition area for a width of 20 feet. In order to comply with Public Works Design Standards (PWDS) the preliminary plat shall be modified such that the final plat reflects the following:
 - a. Provide a Public Utility Easement (8-foot minimum width) along Juniper Street across the development frontage.
 - b. Show Private Utility Easements for any existing overhead franchise utilities serving other properties which cross the lots, unless such utilities are relocated prior to final plat approval.
 - c. Unless the overhead franchise utilities crossing Parcel 1 & 2 are removed or relocated to an alignment that does not cross the property, private utility easements shall be provided along the utility alignments. Current City standards require private utility easements to be a minimum of 10 feet wide.
2. Prior to submitting a building permit, the applicant shall submit a Development Review application and fee for townhome development. The plans shall show how the townhomes comply with the standards listed in Junction City Municipal Code (JCMC) 17.40.080 and other applicable zoning standards.
3. Prior to final plat approval the applicant shall submit a storm drainage plan to Public Works demonstrating that roof and foundation drains for the new structures will be able to discharge to the fronting curb, unless storm drains laterals are to be provided.
4. Prior to final plat approval, the applicant shall submit floor elevations for each lot.

5. As a condition of final plat approval, the applicant shall either: 1) remove or relocate the overhead franchise utilities crossing Parcel 1 & 2 to an alignment that does not cross the property or 2) provide a private utility easements along the utility alignments a minimum of 10 feet wide. Utility service provided for the newly created parcels shall be placed underground per PWDS and accesses to the utilities shall be brought to finish grade.
6. Prior to final plat approval of the final plat, the developer shall submit a water and sanitary sewer plan to Public Works that complies with PWDS.
7. Prior to final plat approval, unless otherwise approved by Public Works and the Fire District, the developer shall install a new fire hydrant (connected to the 6-inch main) on the northwest corner of West 12th Avenue & Juniper Street in order to provide a hydrant within the distance required by PWDS and Oregon Fire Code requirements.
8. Building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings as applicable.

C. IT IS HEREBY ORDERED THAT the Junction City Planning Commission approves the partition for Tax Lot 4101 of Assessors' Map 15-04-32-23 with the conditions of approval listed above based on the following findings of fact:

The applicable approval criteria and related standards are listed below in *bold italics*, with findings, conditions of approval, final plat requirements and informational items included where appropriate.

16.05.030. Minor Partition Procedure

(D)(2)(b) (i) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.

As stated in the application, the entire property is being partitioned and eventually developed. There is no remaining property under the same ownership. The partition does not affect the safe development of adjoining land since it is already developed.

(ii) The minor partition complies with Junction City policies and plans as well as the intent and purpose of JCMC Chapter 16.05

16.05.050. Platting and Mapping Standards

(A)(1)(a) Generally. The planning commission may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the partitioner or subdivider, of such design and in such location as are necessary to facilitate provision for the

transportation and access needs of the community and the partitioned or subdivision area, in accordance with the purpose of this Chapter.

The site is part of the Original Plat of Junction City. The property abuts Juniper Street to the east and a graveled alley to the west. Juniper is a fully improved street and the alley is gravel. Therefore no street dedication is necessary as part of the partition request.

(B)(2) Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the partitioned or subdivision area a lesser width may be allowed, in the discretion of the planning commission, where the partitioner or subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the planning commission.

According to the townhouse design standards per JCMC 17.20.120 (B), townhomes are required to take access off an alley when possible (17.40.080).

JCMC 17.20.120 (B) Townhome (Single-family attached/rowhouses) supplemental standards states: "Townhomes shall receive vehicle access from a rear alley whenever possible. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns make construction of alleys impractical."

JCMC 16.05.060 (5)(B)(2) above states that alleys shall be paved no less than 20 feet or an area of a lesser width may be approved by the Planning Commission. Since the townhomes will abut an alley and be required to provide access via the alley, the proposal is conditioned as follows:

CONDITION: As a condition, prior to final plat approval the applicant shall provide a signed performance agreement to reimburse the City of Junction City for the cost of paving the alley from West 13th Avenue to the southern boundary of the partition area for a width of 20 feet.

The requirement for paving the alley is directly related to the development of this parcel because access through the alley, if unpaved, would not comply with the Junction City Code requirements for access.

(C)(4) Easements for Utilities. Easements for utilities. Dedication of easements for storm water sewers and for access there-to for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance, and dedication of easements for other public or private utilities, may be required of the partitioner or subdivider by the planning commission along lot rear lines, lot sidelines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Chapter. Easements for utility lines shall be

not less than 14 feet in width; except that, for an easement abutting land not in the partitioned or subdivision area, a lesser width may be allowed, in the description of the planning commission, where the petitioner or subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

The plans submitted do not show utility easements. The preliminary plat shows existing overhead utilities cross Parcel 1 & 2 to serve the properties to the north & south.

CONDITION: In order to comply with Public Works Design Standards the preliminary plat shall be modified such that the final plat reflects the following:

1. Provide a Public Utility Easement (PUE) (8-foot minimum width) along Juniper Street across the development frontage.
2. Show PUE's for any existing overhead franchise utilities serving other properties which cross the lots, unless such utilities are relocated prior to plat approval.
3. Unless the overhead franchise utilities crossing Parcel 1 & 2 are removed or relocated to an alignment that does not cross the property, private utility easements shall be provided along the utility alignments. Current City standards require private utility easements to be a minimum of 10 feet wide.

(E)(1)(a)(i) Width. Each lot shall have an average width between the lot sidelines of not less than 60 feet. Each corner lot and each authorized key lot and butt lot shall have an average width between the lot sidelines of not less than 65 feet.

The applicant is proposing to partition one lot into two in order to construct two townhome units, one on each lot. The lot standard for the Commercial/Residential Zoning District apply to the partition request. The minimum lot width standard for a townhome lot in the Commercial Residential Zoning District is 25 feet. The proposed plans submitted show 2 lots, each 24.94' x 99.97' in dimension.

The applicant submitted a minor variance (Type I Administrative Decision) application to allow a minimum lot width of 24.94 feet for a townhome lot. Staff processed the minor variance application per JCMC 17.140.030 and found the request was less than 10% of a development standard and that because of special and unusual circumstances, strict application of the code would cause an undue or unnecessary hardship and approved the minor variance request. The staff report is attached as part of the final order for the partition request.

As part of the minor variance process, neighboring property owners notified of the decision, can request a public hearing. A public hearing before the Planning Commission was scheduled for April 15, 2014.

(E)(1)(a)(ii) Depth. Each lot shall have an average depth between the lot front line and the lot rear line of not less than 80 feet and not more than 2 ½ times the average width between the lot sidelines. Each double frontage lot shall have an average depth between the lot front line and lot rear line of not less than 120 feet, unless a lesser depth is approved by the planning commission where necessitated by unusual topographic conditions.

The subject lot was created with the Original Plat of Junction City Subdivision with double frontage along Juniper Street and an alley. The applicant is not proposing to increase the existing depth of the lot only to divide it into two. The lot depth of Parcel 1 & 2 is proposed to remain the same. Given the existing lot within the Original Plat of Junction City and cannot be made larger to meet the minimum 120 foot lot depth requirement, the Planning Commission approves the 99.97-foot lot depth as proposed.

(E)(1)(a)(iii) Area. Minimum lot area shall be in accord with requirements for the zoning district within which the lot is located.

As discussed in the attached minor variance staff report (VAR-13-004), the subject lot is part of the Original Plat of Junction City which shows the lot dimension as 50 x 100 feet (see tax map attached). The partition plat survey submitted shows the lot size to be 49.94 x 99.97 feet. Since the lot dimension does not meet the 50 x 100 minimum, the property owner cannot create two (2) 25 x 100 foot townhome lots as permitted in the Commercial Residential Zoning District.

The variance request (VAR-13-04) for the lot area was approved by the City Administrator and notified property owners requested a public hearing. The proposal, as conditioned, complies with the above criterion.

(E)(1)(a)(iv) Frontage. Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.

The minimum lot frontage for townhome lots in the Commercial/Residential Zoning District is 25 feet JCMC. The variance request to reduce the minimum lot frontage standard from 25 feet to 24.94 feet will go before the Planning Commission at a public hearing on April 15, 2014. The proposal, as conditioned, complies with the lot frontage criterion.

(E)(2) Key parcels or lots and butt parcels or lots. There shall be no key parcels or lots or butt parcels or lots, except where authorized by the planning commission where such parcels or lots are necessitated by unusual topographic conditions or previous adjacent layout.

The proposed plat does not create key or butt parcels and therefore complies with this criterion.

(E)(3) Parcel and lot sidelines. As far as is practicable, parcel and lot sidelines shall run at right angles to the street upon which the parcels or lots face, except that on curved streets they shall be radial to the curve.

The proposed lot sidelines run at right angles to Juniper Street and the alley and therefore comply with this criterion.

(E)(4) Suitability for intended use. All parcels and lots shall be suitable for the purpose for which they are intended to be used. No parcel or lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the partition or subdivision area or of such parcel or lot, as determined by the planning commission in accordance with the purpose of this Chapter.

The applicant is proposing to partition the existing lot into two equal parcels in order to construct two townhome units. Townhouses are permitted uses outright in the Commercial/Residential Zoning District per Section 17.40.010(A), all new residential buildings in the CR zone shall comply with the development review, building height transition, building orientation, building form, and other standards listed in the R3 zone in JCMC 17.20.030, 17.20.090 through 17.20.120 and 17.20.140. Therefore, the proposal is conditioned as follows:

Prior to submitting a building permit, the applicant shall submit a Development Review application and fee. The plans shall show how the townhomes comply with the standards listed in JCMC 17.20.030, 17.20.090 through 17.20.120 and 17.20.140 and other applicable zoning standards. As conditioned, the proposal is suitable for townhome construction and the Development Review application process will ensure the townhomes meet the applicable zoning standards and therefore complies with the above criterion.

(E)(5) "Future partitioning or subdivision of parcels or lots. Where the partition or subdivision will result in a parcel or lot ½ acre or larger in size which, in the judgment of the planning commission, is likely to be partitioned or subdivided in the future, the planning commission may require that the location of parcel or lot lines and other details of layout be such that future partition or subdivision may readily be made without violating the requirements of this Chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record, if the planning commission deems it necessary for the purpose of future subdivision.

No parcels created with the proposed partition will create lots ½ acre or larger therefore this criterion does not apply.

16.05.060(F) Drainage. Where land in the partitioned or subdivision area is or will be periodically subject to accumulations of surface water or is traversed by

any watercourse, channel, stream or creek, the planning commission may require the partitioner or subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefore approved by the planning commission as adequate for the drainage needs of the area; or, where necessary, in the judgment of the planning commission, for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

No storm drainage plan was submitted; therefore, the plans are conditioned as follows:

Prior to final plat approval the applicant shall submit a storm drainage plan to Public Works demonstrating that roof and foundation drains for the new structures will be able to discharge to the fronting curb, unless storm drain laterals are to be provided.

(J) Building lots filled. All building lots shall be filled in accordance with accepted engineering practice. All fill shall be placed in accordance with Chapter 70 of Oregon Structural, Specialty and Fire and Life Safety Code.

Any fills placed on lots or within rights-of-way shall comply with PWDS requirements and/or the Oregon Structural Specialty Code, whichever is more stringent.

(K) Finish floor elevations. Finish floor elevations shall be established for all buildings on the final plat in accordance with elevations established by and for the City of Junction City.

Prior to final plat approval, the applicant shall submit floor elevations for each lot.

(L) Utility access. All accesses to utilities are to be brought to finish grade.

The plans submitted show existing overhead utilities that serve the lot to the north of the subject site and the lot to the south of the subject site. In order to ensure utilities meet PWDS the following condition applies:

As a condition of final plat approval, the applicant shall either: 1) remove or relocate the overhead franchise utilities crossing Parcels 1 & 2 to an alignment that does not cross the property or 2) provide a private utility easement along the utility alignments a minimum of 10 feet wide. Utility service provided for the newly created parcels shall be placed underground per PWDS and accesses to the utilities shall be brought to finish grade.

16.05.030(D)(2)(b)(iv) The minor partition tentative plan is accompanied by five accurate copies thereof.

The applicant submitted the appropriate copies of the tentative plan.

(v) Public assessments, liens, utility charges and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the council. Except as provided for in the procedures for modification as stipulated in 16.05.070, approval as stipulated

herein does not relieve the applicant from other applicable provisions of this Chapter or Oregon Revised Statutes.

The warranty deed states there are no liens or encumbrances on the property.

(vi) Minor partition applications for land occupied by existing buildings shall show the location of buildings and give dimensions to existing and proposed lot lines.

The subject site is vacant therefore, this criterion does not apply.

16.05.060(A) Submitting specifications. The planning commission shall prepare and submit to the council specifications and amendments thereto, for construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto and be so devised as to facilitate provision for the health, safety, and welfare needs of the city and area affected, in accordance with the purpose of this Chapter.

Water and Sanitary Sewer Improvements

The Public Works Design Standards (PWDS) have been adopted by City Council to facilitate provision for the health, safety, and welfare needs of the City. The applicant did not submit utility plans with the preliminary partition plan. Therefore, prior to approval of the final plat, the developer shall submit a water and sanitary sewer plan to Public Works that complies with PWDS.

Separate gravity sanitary sewer service laterals per PWDS requirements (with property line cleanouts) shall be provided to serve each lot.

Any existing sewer service lateral proposed for continuing use shall be air tested in conformance with PWDS 4.18.c.2 from the mainline to the building to verify that it is free of leaks or defects. Existing service lateral(s) shall be replaced if defective. A new property line cleanout shall be installed on any existing lateral if it remains in service.

Separate water services & meter boxes per PWDS requirements shall be provided to serve each lot.

Unless otherwise approved by Public Works and the Fire District, the developer shall install a new fire hydrant (connected to the 6-inch main) on the northwest corner of 12th & Juniper in order to provide a hydrant within the distance required by PWDS and Oregon Fire Code requirements.

(B) Land surface drainage. Such grading shall be done and such drainage facilities shall be constructed by the partitioner or subdivider as are adequate for the purpose of proper drainage of the partitioned or subdivision area and of areas affected thereby, and for the preservation of healthful and convenient

surroundings and conditions for residents of the partitioned or subdivision area and for the benefit of the general public, and in accordance with specifications adopted by the city council.

Prior to final plat approval the applicant shall submit a storm drainage plan to Public Works demonstrating that roof and foundation drains for the new structures will be able to discharge to the fronting curb, unless storm drain laterals are to be provided.

(C) Streets and alleys. The partitioner or subdivider shall grade and pave all streets and alleys in the partitioned or subdivision area to the width specified in JCMC 16.05.050, and provide for drainage of all such streets and alleys, and construct curbs and gutters within the partitioned or subdivision area, in accordance with specifications of this Chapter. Construction of such improvements shall be subject to inspection and approval by the council's street and alley committee.

Prior to final plat approval, the applicant shall provide a signed performance agreement to reimburse the City of Junction City for the cost of paving the alley from West 13th Avenue to the southern boundary of the partition area for a width of 20 feet.

(D) Sidewalks. Sidewalks shall be located and constructed to conform with JCMC 12.20.

No sidewalk improvements are required since Juniper Street is already a fully improved street.

(E) Pedestrian ways. A walk strip not less than five feet in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the city council.

No pedestrian ways are required as part of the partition request.

(F) Street light and fire hydrant installations. The partitioner or subdivider shall provide for the installation of all streetlights and fire hydrants in accordance with city specifications.

Unless otherwise approved by Public Works and the Fire District, the developer shall install a new fire hydrant (connected to the 6-inch main) on the northwest corner of West 12th Avenue & Juniper Street in order to provide a hydrant within the distance required by PWDS and Oregon Fire Code requirements.

(G) Performance agreement. If all improvements required by the planning commission and this Chapter are not completed according to specifications, as required herein, prior to the time the final map or plat is duly submitted for consideration and approval, the planning commission may accept in lieu of said completion of improvements a performance agreement executed by the partitioner or subdivider, conditioned on faithful performance and completion

of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

Unless otherwise specifically allowed in the land use approval, building permits for new residential structures shall not be issued prior to completion of all required improvements and conditions of approval, and written acceptance by the City, including submission of maintenance bonds and reproducible as-built drawings as applicable.

- C. **This approval shall become final on the date this decision and supporting findings of fact are signed by the Junction City Planning Commission Chairperson.** An appeal of the Planning Commission's decision must be submitted to the City Council within 12 days of this Final Order being mailed to all opponents. Appeals may be made by filing written notice with the City and paying the fee equal to the average cost as prescribed by the City Council and cost of the written transcripts up to \$500, plus one-half the cost over \$500. If no appeal is taken within the 12-day period, the decision of the Planning Commission shall be final. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Signature: _____

Jason, Thiesfeld, Junction City Planning Commission Chairperson

Approval Date: _____